isolation; the present war has shown us how complete that departure has become. In his famous discussion of "Our New Possessions," a legacy of the Spanish War, Professor James Bradley Thayer said: "If you ask what this nation may do in prosecuting the ends for which it was created, the answer is, It may do what other sovereign nations may do." Senator Sutherland, in a series of lectures delivered at Columbia University last winter, vigorously upholds the power of the national government to do in international affairs what other nations may do. In all matters of external sovereignty the powers of the nation are supreme and exclusive. The treaty-making power, he maintains, belongs to the nation as an attribute of sovereignty, and, except as limited by express provisions of the Constitution, extends to all matters which are within the proper scope of treaties. He contends that the nation is not helpless when a state attempts to exclude Japanese from the public schools or to forbid their owning land, or when foreign subjects are maltreated in any state; and that if in such cases a foreign nation has been aggrieved, "it is not from lack of power but from lack of action on the part of the national government." In time of war, he maintains, the nation has all powers necessary for national self-preservation. "The power to declare war includes every subsidiary power necessary to make the declaration effective. It does not mean the power of waging war feebly, with restricted means or limited forces. It means the power to proceed to the last extremity." Hence the various emergency statutes of the present war are within the constitutional power of Congress to enact. In particular Senator Sutherland exerts himself in upholding the Espionage Act, and he contends that not merely is the act constitutional, but that it does not go far enough. The book is an interesting and vigorous exposition of the point of view of an aggressive nationalist.

A. W. S.

CASES ON NEGOTIABLE INSTRUMENTS, SUPPLEMENTARY TO AMES'S CASES ON BILLS AND NOTES. By Zechariah Chafee, Jr. Published by the editor. 1919. pp. vi, 106.

Dean Ames's case-book on Bills and Notes is the most exhaustive case-book that has ever been prepared for the use of students. At the time of its appearance it presented in its cases and notes a complete picture of the law of the subject with which it dealt. An index and summary at the end of the second volume stated the law with a combination of brevity, completeness, and exactness which has seldom, if ever, been equaled.

More than twenty-five years have elapsed since the publication of this book, and during that time the Negotiable Instruments Law has been enacted in most states of the Union, and many decisions have construed the act, as well as the common law. This has made it desirable, ultimately, to prepare a new case-book on the subject, and, in the meantime, to present in the pamphlet under review the most important recent decisions. The cases are well selected, and the annotations, though not attempting a full list of authorities, indicate the most significant articles and decisions.

S. W.

YEAR BOOKS OF EDWARD II. Volume XV; 6 & 7 EDWARD II. Being Volume 36 of the Publications of the Selden Society, for the year 1918. By William Craddock Bolland. London: Quaritch. 1918. pp. lx, 294.

After a sad interval these records of the lives of men six centuries ago are issued again; in the old form, they take up the translation of the Year Books of Edward II, giving us in this volume the cases of a half-year. As has been true in the other books of the series, there is little to interest a modern legal

scholar; for the volume is mostly taken up with the niceties of the ancient land law, now quite obsolete. But for the historian of life the volume is full of interest. He shall see the Prior building a wall across the churchyard; the parishioners nursing their wrath for seven years and then throwing it down. He shall see a Prior and a Prioress contending for tithes of wheat cut on the Prioress' land. He shall hear oath for oath pass between bench and bar: "BEREFORD, C. J. *Nom de dieu* you will find it in the law of England. If . . . Margery had entered . . . would Alan's sister . . . have recovered? No. SCROPE. *Nom de dieu*, sir, no more could Margery." And he shall see case after weary case where one party or the other, claiming an inheritance, was alleged to have been born before marriage.

The Introduction touches on several interesting matters, but chiefly on the origin of attorneys, and the difference between them and responders, bailiffs, and essoiners. The meaning of "demi seal" or "pes sigilli," and the reasons for using the foot of the seal only, are considered, and the word "godhynch" is left unexplained. The entire Introduction shows Mr. Bolland's usual industry and acumen.

JOSEPH H. BEALE.

SPIRIT OF THE COURTS. By Thomas W. Shelton. Baltimore: John Murphy Company. 1918. pp. xxxvii, 264.

To interest the general public in specific questions of procedural law reform is no easy task. It is not that the public is not interested in the general situation. When the stage hero is convicted of a crime on perjured testimony or because his witnesses were kidnaped by the villain, and he exclaims, "It may be law but it isn't justice," he receives a rapturous response from the audience to whom the playwright has already shown the hero's innocence. But these people in the audience have a grievance, a real grievance, although they do not know exactly what it is. There are miscarriages of justice, not only miscarriages which are inevitable in any legal system, but also miscarriages which can be and ought to be avoided. These people have a right to demand of the legal profession that it find the proper remedies. It may happen, however, that although the lawyers offer a remedy, they have not the power to effect it. Statutes may have to be enacted, and for their enactment the interest and aid of the general public may be necessary. This aid will not be forthcoming unless the public is instructed, not merely in the need for a remedy (that they know all too well) but also in the nature of the remedy offered. Mr. Shelton, as Chairman of the Committee of the American Bar Association on Uniform Judicial Procedure has for years done excellent work in the cause of procedural reform. His book is the result of a series of lectures in which he has attempted to convince the public that a path out of our present difficulties lies in the enactment of a federal statute conferring upon the Supreme Court of the United States power to regulate by rule of court procedure in the federal courts, and of state statutes conferring similar powers upon the state courts which presumably would adopt rules based upon the federal model. That he is right seems clear to a majority of lawyers interested in the cause of procedural reform. Whether he has succeeded in so presenting his case as to interest and instruct the public is more doubtful. The presentation of his ideas is not clean cut. The ideas are often buried beneath a mass of discursive rhetoric which doubtless sounded better than it reads. But he brings great enthusiasm to a great cause, and all those who have at heart the just and effective administration of the law should join in giving him aid and comfort.

A. W. S.